

Montana State Parks

Biennial Fee Rule

Fees and Rules for the
Montana State Park System

Adopted by FWP Commission on December 20, 2012



A Division of Montana Fish, Wildlife and Parks

TABLE OF CONTENTS

Fee Rule Tables: Montana State Parks.....3

I. Introduction and Applicability of Rules6

II. Legal Authority.....6

III. Definitions6

IV. Entry to State Parks.....7

V. Camping at State Parks.....8

VI. Campsite Reservation Program.....10

VII. Day Use of Shelters, Pavillions, Amphitheaters and Meeting Rooms11

VIII. Day Use for Groups and Special Events11

IX. Other State Park Special Uses12

X. Alberton Gorge Commercial Use.....12

XI. Special Rules and Regulations12

XII. Penalties13

XIII. Severability Clause.....13

Appendix A. 23-1-105 and 61-3-321, MCA15

Appendix B. 61-3-460, MCA.....16



STATE PARK ENTRANCE FEES

Item	Fees
Daily Entrance Fee (per motor vehicle)	<ul style="list-style-type: none"> \$0 Resident with Montana license plates \$5 Nonresident (\$3 Nonresident disabled)
Daily Entrance Fee (pedestrian, bicycle, motorcycle, non-commercial bus passenger)	<ul style="list-style-type: none"> \$0 Resident \$3 Nonresident (per person)
Nonresident Entrance Pass	<ul style="list-style-type: none"> \$25 (1st vehicle) \$20 (additional vehicle)

STATE PARK CAMPING FEES

Item	Peak -Season <i>Third Friday of May through third Sunday of September</i>	Off-Season <i>Third Monday of September through third Thursday of May</i>
Campsite without Electricity (per night) <i>*Off-season camping fees shall apply in developed campgrounds that do not provide potable water.</i>	Single Occupancy: <ul style="list-style-type: none"> \$15 Resident \$7.50 Resident Senior/Disabled \$23 Nonresident \$18 Nonresident with Entrance Pass Double Occupancy: <ul style="list-style-type: none"> \$30 Resident \$15 Resident Senior/Disabled \$46 Nonresident \$36 Nonresident with Entrance Pass Quadruple Occupancy: <ul style="list-style-type: none"> \$60 Resident \$30 Resident Senior/Disabled \$92 Nonresident \$72 Nonresident with Entrance Pass Large Group Sites (per camping unit & /or 8 person increments based on max. capacity): <ul style="list-style-type: none"> \$15 Resident \$7.50 Resident Senior/Disabled \$23 Nonresident \$18 Nonresident with Entrance Pass 	Single Occupancy: <ul style="list-style-type: none"> \$12 Resident \$6 Resident Senior/Disabled \$20 Nonresident \$15 Nonresident with Entrance Pass Double Occupancy: <ul style="list-style-type: none"> \$24 Resident \$12 Resident Senior/Disabled \$40 Nonresident \$30 Nonresident with Entrance Pass Quadruple Occupancy: <ul style="list-style-type: none"> \$48 Resident \$24 Resident Senior/Disabled \$80 Nonresident \$60 Nonresident with Entrance Pass Large Group Sites (per camping unit &/or 8 person increments based on max. capacity): <ul style="list-style-type: none"> \$12 Resident \$6 Resident Senior/Disabled \$20 Nonresident \$15 Nonresident with Entrance Pass
Campsite with Electricity (per night)	Single Occupancy: <ul style="list-style-type: none"> \$20 Resident 12.50 Resident Senior/Disabled \$28 Nonresident \$23 Nonresident with Entrance Pass Double Occupancy: <ul style="list-style-type: none"> \$40 Resident \$25 Resident Senior/Disabled \$56 Nonresident \$46 Nonresident with Entrance Pass Quadruple Occupancy: <ul style="list-style-type: none"> \$80 Resident \$50 Resident Senior/Disabled \$112 Nonresident \$92 Nonresident with Entrance Pass Large Group Sites (per camping unit and/or 8 person increments): <ul style="list-style-type: none"> \$20 Resident 12.50 Resident Senior/Disabled \$28 Nonresident \$23 Nonresident with Entrance Pass 	Single Occupancy: <ul style="list-style-type: none"> \$17 Resident \$11 Resident Senior/Disabled \$25 Nonresident \$20 Nonresident with Entrance Pass Double Occupancy: <ul style="list-style-type: none"> \$34 Resident \$22 Resident Senior/Disabled \$50 Nonresident \$40 Nonresident with Entrance Pass Quadruple Occupancy: <ul style="list-style-type: none"> \$68 Resident \$44 Resident Senior/Disabled \$100 Nonresident \$80 Nonresident with Entrance Pass Large Group Sites (per camping unit and/or 8 person increments): <ul style="list-style-type: none"> \$17 Resident \$11 Resident Senior/Disabled \$25 Nonresident \$20 Nonresident with Entrance Pass

STATE PARK CAMPING FEES CONTINUED

Item	Fees (Peak-Season)	Fees (Off-Season)
Cabin or Yurt (per night)	<ul style="list-style-type: none"> \$45 Resident \$55 Nonresident \$50 Nonresident with Entrance Pass 	<ul style="list-style-type: none"> \$42 Resident \$50 Nonresident \$45 Nonresident with Entrance Pass
Large Yurt (pr night)	<ul style="list-style-type: none"> \$45 resident \$60 nonresident \$55 Nonresident with Entrance Pass 	<ul style="list-style-type: none"> \$42 resident \$55 nonresident \$50 Nonresident with Entrance Pass
Tipi (per night)	<ul style="list-style-type: none"> \$25 Resident \$35 Nonresident \$30 Nonresident with Entrance Pass 	<ul style="list-style-type: none"> \$22 Resident \$30 Nonresident \$27 Nonresident with Entrance Pass
Hiker or Bicyclist Shared Campsite (per camping unit per night)	<ul style="list-style-type: none"> \$7 Resident \$3.50 Resident Senior/Disabled \$15 Nonresident \$10 Nonresident with Entrance Pass 	<ul style="list-style-type: none"> \$4 Resident \$2 Resident Senior/Disabled \$12 Nonresident \$7 Nonresident with Entrance Pass
Backcountry Campsite (per camping unit per night)	<ul style="list-style-type: none"> \$4 Resident \$2 Resident Senior/Disabled \$12 Nonresident \$7 Nonresident with Entrance Pass 	<ul style="list-style-type: none"> \$4 Resident \$2 Resident Senior/Disabled \$12 Nonresident \$7 Nonresident with Entrance Pass
Boat Camping at Boat Slip (per boat per night)	Without Electricity: <ul style="list-style-type: none"> \$12 Resident \$12 Nonresident \$7 Nonresident with Entrance Pass With Electricity: <ul style="list-style-type: none"> \$17 Resident \$17 Nonresident \$12 Nonresident with Entrance Pass 	Without Electricity: <ul style="list-style-type: none"> \$9 Resident \$9 Nonresident \$4 Nonresident with Entrance Pass With Electricity: <ul style="list-style-type: none"> \$14 Resident \$14 Nonresident \$9 Nonresident with Entrance Pass

STATE PARK CAMPSITE RESERVATION FEES

Item	Fees
Reservation Fee: Individual Campsite, Cabin, Yurt, Tipi	<ul style="list-style-type: none"> \$10
Reservation Fee: Group Campsite or Facility	<ul style="list-style-type: none"> \$25
Reservation Modification Fee	<ul style="list-style-type: none"> \$10
Reservation Cancellation Fee: Individual Campsite or Facility	<ul style="list-style-type: none"> \$10
Reservation Cancellation Fee: Group Campsite or Facility	<ul style="list-style-type: none"> \$50 (if 21 or more days prior to scheduled arrival) Forfeit 1st night camping fee (if less than 21 days)
Reservation No Show	<ul style="list-style-type: none"> No refund (reservation, camping fee)

STATE PARK FACILITY USE AND RENTAL FEES

Item	Fees
Showers	<ul style="list-style-type: none"> \$2 per shower
Boat Mooring Buoy (no camping)	<ul style="list-style-type: none"> \$5 per day (\$15 if camping on boat)
Boat Slip (no camping)	<ul style="list-style-type: none"> \$5 per day
Group Use Shelter or Pavilion	<ul style="list-style-type: none"> \$75 \$100 cleaning deposit
Meeting Room	<ul style="list-style-type: none"> \$50 per half day \$75 per full day \$100 cleaning deposit

STATE PARK GROUP USE AND SPECIAL USE FEES

Item	Fees
Special Use, Group Use, Special Events (Non-commercial)	<ul style="list-style-type: none"> • \$3 per person or \$5 per vehicle • \$100 cleaning deposit
Guided Cave Tours (Lewis & Clark Caverns)	<p>General Public:</p> <ul style="list-style-type: none"> • \$10 per adult (age 12 and above) • \$5 per child (age 6 to 11) <p>Educational Group:</p> <ul style="list-style-type: none"> • \$8 per adult (age 12 and above) • \$4 per child (age 6 to 11) <p>Candlelight Tours (non-refundable):</p> <ul style="list-style-type: none"> • \$15 per adult (age 12 and above) • \$8 per child (age 6 to 11)
Guided Hikes and Tours, Special Interpretive Programs, Workshops, Seminars or Training Programs	<ul style="list-style-type: none"> • \$2 per person or as posted
Firewood Cutting	<ul style="list-style-type: none"> • \$20/cord

Montana State Parks Biennial Fee Rule

Adopted by the FWP Commission on December 20, 2012

I. INTRODUCTION AND APPLICABILITY OF RULES

- A. The biennial fee rule establishes fees for non-commercial use of state parks (all commercial use of state parks are governed by 12.14.101 through 12.14.170, ARM).
- B. This biennial fee rule is in effect for the two calendar years following the date of adoption. The Fish, Wildlife and Parks Commission may amend the fee rule at any time during this time period.
- C. Per 12.8.213 (3), ARM, regulations relating to establishment of fees for recreation use of lands and waters owned and controlled by the state of Montana, acting by and through the Fish, Wildlife and Parks Commission, will be adopted on an annual and seasonal basis and therefore will not be considered or processed as subject to the Montana Administrative Procedures Act.
- D. The Fish, Wildlife and Parks Commission has the authority to adopt these rules as annual or biennial rules not subject to the specific requirements of the Montana Administrative Procedures Act per section 2-4-102(11)(b)(iv), MCA.
- E. Montana State Parks may adjust fees established in this biennial fee rule to increase utilization of a park, promote special events, to respond to camping conditions or to address other factors contributing to visitor dissatisfaction, or for a state park with a lower level of services or amenities. Such fee adjustments must be approved by the parks division administrator or his or her designee.

II. LEGAL AUTHORITY

- A. Sections 23-1-105, 23-1-106, 23-1-118, 61-3-321, 87-1-303, MCA, and 12.8.213, ARM, authorize the collection of fees and charges for use of Montana State Parks, and rulemaking for the sites' use, occupancy, and protection.

III. DEFINITIONS

- A. "Backcountry camping" means camping in designated or undesignated sites located in isolated roadless areas of the park accessible only by foot, watercraft, horseback, bicycle, OHV, or snowmobile.
- B. "Boat camping" means camping overnight onboard a boat or vessel moored at a boat slip.
- C. "Camp" means to occupy a campsite overnight.
- D. "Camping unit" means one sleeping device or shelter, including but not limited to a tent, motor home, camping bus, truck mounted camping shell, pull-type camper or other device designed and commonly used for sleeping.
- E. "Campsite occupancy" means the pre-determined maximum number of camping units and/or increments of eight persons that may occupy a designated campsite, based on campsite size, location and other site attributes. See Section V (O) for occupancy descriptions.
- F. "Commercial use" is defined as per 12.14.101(3), ARM.
- G. "Commission" means Montana Fish, Wildlife and Parks Commission.
- H. "Competitive event" means any organized, sanctioned, or structured use, event, or activity on lands owned or managed by the department or related waters in which two or more contestants compete, the participants register, enter, or complete an application for the event, and/or a predetermined course or area is designated.
- I. "Department" means Montana Department of Fish, Wildlife and Parks (FWP).
- J. "Dispersed camping" means camping that occurs in areas that are not individually signed or numbered.

- K. "Educational group" means an organized group that is officially recognized as an educational or scientific institution by a federal, state, or local government entity. Documentation of this recognition must be on institutional letterhead and include a signature by the head of the institution/department and documentation of official educational or scientific tax exemption as granted by the Internal Revenue Service. The definition of an education group includes home schooling per 25-5-111, MCA.
- L. "Hiker or bicyclist campsite" means a designated campsite that can be shared by multiple individuals who are travelling by foot or bicycle.
- M. "Motor vehicle" means any passenger car, truck, van, or motor home, and does not include motorcycles, buses, or vehicles engaged in commercial use.
- N. "Nonresident" means a person who does not meet the definition of a resident as defined in 87-2-102, MCA.
- O. "Nonresident daily entrance fee" is the fee for gaining access to a unit of the state park system, either by an annual pass or daily entrance permit.
- P. "Nonresident Entrance Pass" is a non-transferable, non-refundable pass that grants a non-commercial nonresident vehicle and up to eight occupants free access to state parks for a 12-month time period beginning with the month of purchase.
- Q. "Nonresident vehicle" shall be defined as a vehicle bearing license plates from a state or province other than Montana.
- R. "Off-season" means the time period beginning the third Monday of September through the third Thursday of May when visitation is typically lower and potable water, flush toilets, and other amenities are not available, and staff presence and service is reduced and state park operational expenses are lower.
- S. "Organized group" means a structured, ordered, consolidated, or scheduled event on, or occupation of, lands owned or managed by the department or related waters that does not meet the definition of commercial use or competitive events.
- T. "Peak-season" means the time period beginning the third Friday of May through the third Sunday of September when visitation is typically higher, potable water and other amenities are available, staff presence and service is increased and state park system operations expenses are higher.
- U. "Primitive parks" are those sites listed in 23-1-116, MCA, subject to special restrictions on development and fee collection.
- V. "Reservation fee" means the transaction fee assessed when using the state park camping reservation program.
- W. "Resident" means a resident of Montana as defined in 87-2-102, MCA.
- X. "Single visit" is a stay within a state park during a daily period when the park is open for public use.
- Y. "Service group" means a group that donates proceeds or services to the management or improvement of fish, wildlife, and parks, including the maintenance, management, or the improvement or development of facilities.

IV. ENTRY TO STATE PARKS

- A. A person driving a vehicle registered and licensed in Montana with a paid state park vehicle registration fee will be granted daily entry and re-entries to state parks at no additional charge per 23-1-105(6), and 61-3-321(19)(a), MCA (see Appendix A). Occupants of the vehicle shall not be charged daily entrance fees.
- B. Resident disabled veterans are exempt from paying Montana motor vehicle registration fees in accordance with 61-3-460 MCA, and are therefore exempt from state park entry fees.
- C. A nonresident or nonresident motor vehicle shall not enter or use park areas, campgrounds or other facilities; or otherwise participate in programs or activities for which a fee has been established without first paying the required fee per 12.8.213, ARM.

- D. The nonresident single visit entrance fee authorizes entry and re-entries for one nonresident motor vehicle and its occupants into a state park, or the entry of a single person into a park on foot, by bus, bicycle, or means other than by conventional motor vehicle, for the date the fee is paid.
- E. The Nonresident Entrance Pass authorizes daily entry and re-entries for one nonresident motor vehicle and its occupants for a 12-month period beginning with the month of purchase. To be valid, the Nonresident Entrance Pass must be permanently affixed to the interior lower left area of the motor vehicle's windshield. A \$10 fee shall be assessed to replace a lost or destroyed pass. When replacing a windshield, a nonresident pass holder may present the peeled-off pass or the largest remnants to receive a free replacement.
- F. The Nonresident Entrance Pass can be purchased at selected license agents, department offices, designated recreation fee areas, and via the department's web site. A nonresident who purchases a state park pass via the department's web site may print a temporary copy that is valid for entry into any state park for a period of 7 days following the date of purchase. The purchaser will receive an official pass in the mail. A pass purchased via the department's web site shall be assessed a service fee.
- G. Additional passes may be purchased at a reduced cost. Each additional vehicle must be registered to the same street address.
- H. A nonresident with a disability shall be charged the single person nonresident entrance fee of \$3 when accessing a state park in a motor vehicle so long as they are the sole occupant of the vehicle.
- I. Nonresident children under 13 years of age are admitted free to sites that charge a per person daily entrance fee.
- J. A nonresident who is participating in an authorized commercial activity is not subject to the daily entrance fee.
- K. Federal park/public lands passports, e.g., the America the Beautiful card, are not valid at Montana state parks.

V. CAMPING AT STATE PARKS

- A. There is a fee to camp at state parks. Exception:
 - i. There is no camping fee for residents at primitive state parks with the exception of Missouri Headwaters State Park as provided in 23-1-118 (1), MCA. See Appendix A.
- B. A camping fee is charged per each individually signed, numbered or otherwise designated campsite.
- C. An electrical service fee of \$5.00 is embedded in the fee for all electrified campsites. Additional camping units in multiple occupancy electrified campsites will be subject to this fee (i.e. \$5 for single sites, \$10 for double sites, \$20 for quad sites).
- D. Resident or nonresident camping fees are determined based on the legal residency of the person registering for or reserving a campsite.
- E. Persons must pay the required fee within 30 minutes of arriving at or occupying a campsite, cabin, yurt, or tipi. The camping permit must be attached to the campsite post if available or displayed on driver's side dashboard.
- F. The nonresident camping fee includes the nonresident park entry fee. A nonresident who purchases a Nonresident Entrance Pass may subtract \$5 per night from the camping fee, with a limit of only one discount for a multiple occupancy campsite.
- G. Overnight camping fees shall be assessed when camping overnight on a boat that is moored within a designated boat slip, marina or buoy.
- H. Off-season camping fees shall apply in developed campgrounds that do not provide potable water.
- I. In addition to the group campsite reservation fee, each individual camping unit or party within the group must pay the applicable camping fees listed in this fee rule.
- J. 23-1-105(2), MCA, provides that an overnight camping fee will be discounted 50% for a campsite rented by a Montana resident who is a:

- i. senior citizen 62 years of age or older and provides a photo identification with Montana resident address (e.g., Montana Driver's License); or
 - ii. person with a disability, verified by either a disability form obtained from the department and signed by a physician, a Resident Disability Conservation License, or a disability permit or license plate issued by the Montana Motor Vehicle Division.
- K. Only one resident senior or disabled discount may be applied per campsite to a camping fee, not a combination. No discount may be applied to the electrical fee or to any other facility use or rental fees such as yurts, tipis, cabins, boat slips (no camping), showers, etc.
- L. A senior citizen with a Golden Years' Pass issued by the department shall be granted free camping. The Golden Years' Pass is valid only if the holder or spouse is in the vehicle to which it is attached. This pass is non-transferable. The original holder of a Golden Years' Pass can obtain a replacement pass at any FWP office or the FWP Helena headquarters for \$1 by showing a portion of the original pass.
- M. Selected state park campsites may be reserved through the state park campsite reservation program. See Section VI below for details.
- N. No person may leave a campsite or camping area unoccupied overnight. Campsites may not be "held" by an individual or party for another individual or party arriving later. No person may pay a camping fee or leave an item as a means to reserve or hold an unoccupied site. This does not prohibit the reservation of a campsite through the department's state park campsite reservation system.
- O. Campsite occupancy limits at each individually signed, numbered or otherwise designated campsite are established as follows:
- Single occupancy campsite = a maximum of 1 camping unit, 2 additional tents, and 8 persons
 - Double occupancy campsite = a maximum of 2 camping units, 4 additional tents, and 16 persons
 - Quadruple occupancy campsite = 4 camping units, 8 additional tents, and 32 persons
 - Large group campsites = the maximum pre-determined number of camping units and/or increments of 8 persons based on site size, space, and terrain considerations.
- P. Camping fees for multiple capacity campsites (i.e. doubles, quads and large groups) shall have a fixed rate based on a pre-determined maximum capacity.
- Q. All camping units with the exception of tents, and all motor vehicles, boats, trailers, motorcycles, non-licensed recreational vehicles, and other similar forms of transportation must be parked within the designated parking area of the campsite or at designated overflow (alternative) parking areas.
- R. The park manager may establish a dispersed camping area with terms and conditions regarding occupancy limits, campfires, or other camping practices. Camping fees may be charged per camping unit and/or increments of 8 persons per night based on individual campsite fee rates.
- S. The park manager may authorize and/or require a permit for backcountry camping with specific terms and conditions regarding group size, campfires, human waste disposal, or other camping practices. Camping fees may be charged on a per camping unit per night basis.
- T. The park manager may establish shared campsites for hikers, bicyclists and pedestrians with specific terms and conditions regarding occupancy limits, campfires, or other camping practices. Camping fees may be charged on a per camping unit per night basis.
- U. In areas outside of campsites, no person, other than registered campers, may leave a trailer, camper, other vehicle, or equipment unattended for more than 48 hours, unless otherwise posted or authorized.
- V. Camping at one or more campsites in any state park for a period longer than 14 days during any 30-day period is prohibited unless otherwise posted. In areas so posted, said occupancy shall be limited to seven days during any 30-day period. Such 30-day periods shall run consecutively during the year commencing with the first day each person camps in a designated recreation area each year.
- W. No person may set up or occupy a camp in areas other than designated campgrounds. Camping is also prohibited in a department administered group use shelter or pavilion.

- X. No person or group may set up camp, leave camping equipment, or otherwise occupy a campsite that has already been reserved or paid for by another person or group.
- Y. Check-in time is 2:00 pm for campsites and 3:00 pm for yurts, cabins and tipis. Check-out time is 1:00 p.m. for campsites and 12:00 pm for yurts, cabins and tipis, on the day immediately following the last night the campsite was paid for. Persons who stay past these check-out times may be subject to an additional nightly campsite or facility fee.
- Z. Quiet hours in state park campgrounds shall be posted and enforced between the hours of 10:00 p.m. and 7:00 a.m.
- AA. All camping fees include the 7% State of Montana accommodation tax as per 15-65-111 and 15-68-102, MCA.

VI. CAMPSITE RESERVATION PROGRAM

- A. Campsite reservations are accepted in the following state parks for camping stays beginning the third Friday in May through the third Sunday in September:
 - Bannack
 - Beavertail Hill
 - Big Arm
 - Black Sandy
 - Brush Lake
 - Cooney
 - Finley Point
 - Hell Creek
 - Lake Mary Ronan
 - Lewis & Clark Caverns
 - Logan
 - Makoshika
 - Missouri Headwaters
 - Placid Lake
 - Salmon Lake
 - Thompson Falls
 - Tongue River Reservoir
 - Wayfarers
 - West Shore
 - Whitefish Lake
 - Other state parks contingent on approval by the Parks Division Administrator
- B. Check-in time for reserved campsites is 2:00 p.m. on the first day of the reservation. Reserved campsites will be held until check-in time on the day following the camper's scheduled arrival.
- C. Check-out time for reserved campsites is 1:00 pm on the day immediately following the last night the campsite was paid for.
- D. Campsite reservations can be made 9 months in advance of a visitor's intended stay, but no later than 2 days prior to their arrival.
- E. There is a nonrefundable, nontransferable reservation fee charged for reserving a state park campsite or facility through the campsite reservation program. The reservation fee is in addition to the camping fee.
- F. There is a nonrefundable modification fee charged for changing a reservation.
- G. There is a cancellation fee charged when cancelling a reservation.
- H. A reservation turns into "no-show" status at check-in time on the day after the scheduled arrival date, unless the reservation is cancelled or alternate arrangements have been made with the park. All fees are forfeited when a reservation turns to "no-show" status.
- I. Resident senior and disabled discounts are applied via the reservation call center (855-922-6768).
- J. Nonresident Entrance Pass holder discounts are applied using the current pass number via the internet or reservation call center (855-922-6768).
- K. The Commission delegates authority to the Parks Division Administrator to develop specific business rules for administering the camping reservation program, including but not limited to procedures on reservation limits, modifications, and cancellations.

VII. DAY USE AND RENTAL OF PARK FACILITIES

- A. An individual or group may reserve a shelter, pavilion, amphitheater, meeting room, building or other facility subject to availability and approval by staff. The park manager may deny the request or stipulate the conditions of use based on the nature of the proposed use and the regulations and management objectives in place at the park where the use would occur.
- B. There is a use or rental fee for shelters, pavilions, amphitheaters, meeting rooms, showers and other park facilities. The fee must be paid prior to use of the facility.
- C. The park manager may adjust the rental fee on a case-by-case basis for educational groups, registered 501(c)(3) non-profit organizations, or an individual or group that donates money or services to the state park system.
- D. A cleaning deposit is required and must be submitted in advance with the facility reservation form and rental fee. The park manager shall assess the cleanup and/or restoration of resources and facilities and if conditions are satisfactory the manager shall refund the deposit.
- E. The park manager may waive the cleaning deposit requirement for groups that have previously reserved a facility and demonstrated satisfactory cleanup and/or restoration of resources and facilities.
- F. The park manager shall refund the cleaning deposit if the reservation is canceled more than seven days in advance. If a reservation is canceled less than seven days before the intended use period, the cleaning deposit shall be retained. If the facility is unavailable for the intended use due to unforeseen conditions, both the fee and deposit shall be refunded.

VIII. DAY USE FOR GROUPS AND SPECIAL EVENTS

- A. All day use groups, events and activities with more than 30 persons must secure a special use permit prior to using a state park. Examples of groups or events that may require a special use permit include but are not limited to wedding parties, family reunions, fishing contests, and research activities.
- B. The park manager may require a special use permit for groups, of 30 or less people based on visitor use management or resource protection objectives for a site, special rules or regulations, or other determining factors.
- C. The park manager may deny or amend a request for a special use permit based on the management and resource protection goals for a site or other extenuating circumstances.
- D. Groups and activities that meet the definition of “commercial use” are governed by the department’s Commercial Use Administrative Rules.
- E. A special use permit shall be issued to a specific individual representing a group or organization.
- F. The proposed special use must comply with all pertinent state and federal laws and regulations related to public health, safety, sanitation, air and water quality.
- G. All participants of events and activities authorized by a special use permit must comply with the terms and conditions of the permit. The park manager may establish limits on the size of groups, duration of stay, or other special conditions.
- H. The proposed special use must not adversely impact neighboring properties, existing archaeological, historical, cultural, or natural resources or conflict with management objectives and guidelines.
- I. Special use permit requests or applications should be submitted to the appropriate regional office or park a minimum of seven days prior to the proposed date of use.
- J. The park manager may charge a fee for special use, group use and special events at state parks. The fee does not include the daily entrance fees when applicable. The fee must be submitted in advance with the permit application and deposit unless otherwise specified by the park manager.
- K. The park manager may adjust the special use fee upward or downward to accommodate the nature of the activity, the cultural significance of the activity, compensate for site impacts or department staffing needs, or for other unique circumstances pertaining to the permitted activity.

- L. The park manager may adjust the special use fee on a case-by-case basis for educational groups when the following conditions are met:
 - i. the group is from a bona fide institution that meets the definition of an educational group;
 - ii. the group provides a written explanation of the educational purpose of the visit; and
 - iii. the use is not primarily for recreational purposes.
- M. The park manager may adjust the special use fee on a case-by-case basis for service groups when the group or event:
 - i. donates proceeds or services to the management or improvement park resources, including the maintenance, management, or the improvement or development of facilities;
 - ii. donates proceeds from the event or activity to a nonprofit organization or charitable cause; or
 - iii. is organized for and primarily attended by children under the age of 13.
- N. A cleaning/security deposit is required in advance for special use or group use that requires a permit and must be included with the permit application and fee.
- O. The park manager may waive the deposit requirement for groups that have previously reserved a facility and demonstrated satisfactory cleanup and/or restoration of resources and facilities and compliance with the permit terms and conditions.

IX. OTHER STATE PARK SPECIAL USES

- A. The department may charge a fee for department-provided guided hikes and tours, interpretive or training programs, special workshops and seminars, boat mooring and boat slip rental. The park manager may adjust the guided tour, hike or interpretive program fee on a case-by-case basis for marketing or otherwise promoting the activity.
- B. The department may accept reservations and establish payment, refund, and cancellation policies for special tours.
- C. The department may charge fees, issue permits and establish terms and conditions for firewood cutting at designated sites.

X. ALBERTON GORGE COMMERCIAL USE

- A. Alberton Gorge shall be defined as the region between and including Cyr fishing access site to Tarkio fishing access site along the Clark Fork River.
- B. Commercial use, as defined in 12.14.101(3), ARM, within the Gorge is limited to commercial use that demonstrated "Historical Commercial Use" of the Gorge prior to January 1, 1998 by registering with the department by March 15, 1999. Those who failed to demonstrate proof of prior commercial use by that date are not considered historical commercial users and therefore are prohibited from conducting commercial use within Alberton Gorge.
- C. In accordance with 12.14.120(1), ARM, a restricted use permit is required in advance to conduct commercial use within Alberton Gorge.
- D. The department's Commercial Use Administrative Rules (12.14.101 through 12.14.170, ARM) and Commercial Use Permit Fee Rule apply to commercial use within Alberton Gorge.

XI. SPECIAL RULES AND REGULATIONS

- A. Fees shall be prominently signed and posted where applicable.
- B. The Parks public use regulations, 12.8.201 through 12.8.213, ARM, shall apply to use of state parks.
- C. The following food, stock feed, garbage and attractant storage regulations may be established and posted for day users and overnight campers in designated state parks as a means of reducing human/bear conflicts:

- 1) Food storage rules may be established in state parks that have a history of or high probability for human/bear conflicts and/or state parks located adjacent to or nearby other public lands where food storage rules are already in place.
 - 2) Food and attractant storage regulations shall be prominently signed and posted as applicable.
 - 3) Campers in developed campgrounds must secure all food, garbage, and other attractants in one or more of the following methods, when not in immediate use, both day or night:
 - In a closed, hard-sided vehicle, camping unit or trailer.
 - In a fixed, designated bear resistant food storage locker provided on site.
 - In a portable bear resistant food container or cooler approved for such use by the Interagency Grizzly Bear Committee (IGBC) and/or the Sierra Interagency Black Bear Group
 - 4) Backcountry campers must secure all food, stock feed, garbage, and other attractants in one or more of the following methods, when not in immediate use, both day or night:
 - Suspended at least 10 feet vertically above the ground and four feet horizontally from the trunk of the tree.
 - In a portable bear resistant food container or cooler approved for such use by the Interagency Grizzly Bear Committee (IGBC) and/or the Sierra Interagency Black Bear Group.
 - Inside a portable electric fence or other method approved for such use by the Interagency Grizzly Bear Committee or Sierra Interagency Black Bear Working Group.
 - 5) Day users may not leave food, stock feed, garbage or other attractants unattended at any time. They may carry, possess or transport food and other attractants on their person or within equipment while recreating.
 - 6) Burning food waste in fire grates is prohibited.
 - 7) All garbage and refuse must be disposed of in designated bear resistant garbage receptacles or packed out.
- D. The following regulations regarding livestock may be established and posted:
- 1) Livestock are prohibited in designated campsites unless secured in a stock trailer or other areas authorized by the park manager.
 - 2) Designated livestock corrals or pasture areas may be established.
 - 3) Supplemental livestock feed must be certified weed seed free.
- E. The Commission delegates to the director or the director's designee the authority to post special rules for state parks, consistent with existing department or commission authority, for the purpose of protecting public health, safety and welfare; managing visitor use to address adverse social impacts or user conflicts; and protecting and preserving natural, cultural and recreational resources, per 23-1-106, MCA.

XII. PENALTIES

- A. No person shall enter or use state parks, campgrounds or other facilities, or otherwise participate in programs or activities for which a fee has been established without paying the required fee. Any violation of this provision is punishable by a fine not to exceed \$500 per 23-1-106, MCA, and 12.8.213, ARM.
- B. Violation of fee requirements, administrative rules, state laws or other provisions in this rule may result in enforcement actions and/or immediate expulsion from the area in accordance with Parks Division Policy.

XIII. SEVERABILITY CLAUSE

- A. If a part of this fee rule is invalid, all valid parts are severable from the invalid part and shall remain in effect. If a part of this fee rule is invalid in one or more of its applications, the part remains in effect in all valid applications severable from the invalid applications.

Approved by:

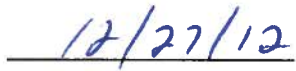


*Bob Ream, Chairman
Fish, Wildlife & Parks Commission*


Date



*Mike Volesky, Acting Director
Montana Fish, Wildlife & Parks*


Date

Appendix A. 23-1-105 And 61-3-321, Mca.

23-1-105. Fees and charges -- use of motor vehicle registration fee. (1) The department may levy and collect reasonable fees or other charges for the use of privileges and conveniences that may be provided and to grant concessions that it considers advisable, except as provided in subsections (2) and (6). All money derived from the activities of the department, except as provided in subsection (5), must be deposited in the state treasury in a state special revenue fund to the credit of the department.

(2) Overnight camping fees established by the department under subsection (1) must be discounted 50% for a campsite rented by a person who is a resident of Montana, as defined in 87-2-102, and either 62 years of age or older or certified as disabled in accordance with rules adopted by the department.

(3) For a violation of any fee collection rule involving a vehicle, the registered owner of the vehicle at the time of the violation is personally responsible if an adult is not in the vehicle at the time the violation is discovered by an authorized officer. A defense that the vehicle was driven into the fee area by another person is not allowable unless it is shown that at that time, the vehicle was being used without the consent of the registered owner.

(4) Money received from the collection of fees and charges is subject to the deposit requirements of 17-6-105(6) unless the department has submitted and received approval for a modified deposit schedule pursuant to 17-6-105(8).

(5) There is a fund of the enterprise fund type, as defined in 17-2-102(2)(a), for the purpose of managing state park visitor services revenue. The fund is to be used by the department to serve the recreating public by providing for the obtaining of inventory through purchase, production, or donation and for the sale of educational, commemorative, and interpretive merchandise and other related goods and services at department sites and facilities. The fund consists of money from the sale of educational, commemorative, and interpretive merchandise and other related goods and services and from donations. Gross revenue from the sale of educational, commemorative, and interpretive merchandise and other related goods and services must be deposited in the fund. All interest and earnings on money deposited in the fund must be credited to the fund for use as provided in this subsection.

(6) In recognition of the fact that individuals support state parks through the payment of certain motor vehicle registration fees, persons who pay the fee provided for in 61-3-321(19)(a) may not be required to pay a day-use fee for access to state parks. Other fees for the use of state parks and fishing access sites, such as overnight camping fees, are still chargeable and may be collected by the department.

(7) Any increase in the motor vehicle registration fee collected pursuant to 61-3-321(19)(a) on or after January 1, 2012, that is dedicated to state parks must be used by the department for maintenance and operation of state parks.

61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration fees -- disposition of fees. (19) (a) Unless a person exercises the option in either subsection (19)(b) or (19)(c), an additional fee of \$6 must be collected for each light vehicle registered under this part. This fee must be accounted for and transmitted separately from the registration fee. The fee must be deposited in an account in the state special revenue fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities. Of the \$6 fee, the department of fish, wildlife, and parks shall use \$5.37 for state parks, 25 cents for fishing access sites, and 38 cents for the operation of state-owned facilities at Virginia City and Nevada City.

(b) A person who registers a light vehicle may, at the time of annual registration, certify that the person does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election not to pay the additional \$6 fee provided for in subsection (19)(a). If a written election is made, the fee may not be collected.

(c) (i) A person who registers one or more light vehicles may, at the time of annual registration, certify that the person does not intend to use any of the vehicles to visit state parks and fishing access sites and may make a

written election not to pay the additional \$6 fee provided for in subsection (19)(a). If a written election is made, the fee may not be collected at any subsequent annual registration unless the person makes the written election to pay the additional fee on one or more of the light vehicles.

APPENDIX B. 61-3-460, MCA

61-3-460. Motor vehicle registration fee and veterans' cemetery fee waivers. (1) Except as otherwise provided in this section, a person eligible under subsection (2) is exempt from the veterans' cemetery fee provided in 61-3-459 for two sets of special veteran license plates and all motor vehicle registration fees imposed by this chapter for two motor vehicles that are not used for commercial purposes.

(2) The following persons are eligible for the waiver provided in subsection (1):

(a) a veteran who was a prisoner of war who presents official documentation from the U.S. department of defense verifying the veteran's status, or the veteran's surviving spouse, if the spouse has not remarried;

(b) a veteran who is currently rated 100% disabled or is paid at the 100% disabled rate by the U.S. department of veterans affairs for a service-connected disability, as verified by official documentation from the U.S. department of veterans affairs, or the veteran's surviving spouse, if the spouse has not remarried;

(c) a veteran determined by the U.S. department of veterans affairs to be 50% or more disabled because of a service-connected injury and who has been awarded the purple heart, as verified by official documentation from the U.S. department of veterans affairs and the veteran's military service record issued by the U.S. department of defense, or the veteran's surviving spouse, if the spouse has not remarried, except that the veteran or the surviving spouse shall pay the veterans' cemetery fee as provided for in 61-3-459;

(d) the surviving spouse, if the spouse has not remarried, of a military service member killed while on active duty as verified in official documentation issued by the U.S. department of defense; and

(e) the surviving spouse, if the spouse has not remarried, of a military service member or veteran who died of a service-connected injury or disability as determined by and verified in official documentation from the U.S. department of veterans affairs.